

SULLIVAN, HILL, LEWIN, REZ & ENGEL
A Professional Law Corporation
Cynthia A. Fissel, SBN 164153
550 West "C" Street, Suite 1500
San Diego, California 92101
Telephone: (619) 233-4100
Fax Number: (619) 231-4372
fissel@shlaw.com

James S. Rigberg, Pro Hac Vice (Arizona Bar No. 015267)
MARISCAL, WEEKS, McINTYRE
& FRIEDLANDER, P.A.
2901 North Central Avenue, Suite 200
Phoenix, Arizona 85012-2705
Telephone: (602) 285-5000
Fax Number: (602) 285-5100
Jim.rigberg@mwmf.com

Attorneys for Defendant, CRISIS MANAGEMENT, LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

YOU WALK AWAY, LLC, a California	)	Case No. 08 CV 0529 WQH BLM
limited liability company,,)	
	)	NOTICE OF MOTION OF CRISIS
Plaintiff,	)	MANAGEMENT, LLC TO
	)	DISMISS, STAY, OR TRANSFER
v.	)	VENUE TO THE DISTRICT OF
	)	ARIZONA
CRISIS MANAGEMENT, LLC, an)	
Arizona corporation, and WALK AWAY	)	[NO ORAL ARGUMENT UNLESS
PLAN, LLC, a business entity of unknown	)	REQUESTED BY COURT]
form,)	
	)	Date: May 19, 2008
Defendants.	)	Time: 11:00 a.m.
	)	Crtm.: 4
	)	Judge: Hon. William Q. Hayes

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on May 19, 2008, at 11:00 a.m., in Courtroom 4 of the above-entitled court, located at 940 Front Street, San Diego, California, Defendant Crisis Management, LLC will, and hereby does, move for an order pursuant to Federal Rule of Civil Procedure 12(b)(3) and 28 U.S.C. § 1404 to dismiss, stay or transfer venue of this action to the United States District Court for the District of Arizona.

1 The motion will be made on the ground that a complaint involving the same parties and
2 issues has already been filed in the United States District Court for the District of Arizona. Under
3 the well-settled first to file rule, this action should be dismissed, stayed or transferred to the District
4 of Arizona.

5 The motion will be based on this notice of motion, the declarations of Paul Helbert and
6 James S. Rigberg and the exhibits thereto, and the memorandum of points and authorities served and
7 filed concurrently herewith, on the complaint and other records on file herein, and on such other and
8 further evidence as may be presented at the hearing of this motion.

9
10 Dated: April 14, 2008

MARISCAL, WEEKS, MCINTYRE
& FRIEDLANDER, P.A.

11 AND

12 SULLIVAN, HILL, LEWIN, REZ & ENGEL
13 A Professional Law Corporation

14 By: /s/ Cynthia A. Fissel
15 Cynthia A. Fissel
16 Attorneys for Defendant
CRISIS MANAGEMENT, LLC